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ACTION
XIRAX
ICS 0936-87

OFFICE OF CONGRESSIONAL AFFAIRS

Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	XXX	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		
9. FOIA Officer		
10. Constituent Inquiries Officer		
11.		X
12.		

STAT

SUSPENSE 5 Oct 87
Date

Action Officer: STAT

Remarks:

cmc 22 Sept 87
Name/Date

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LEG

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: D/CCISCMO/ICS
Rm. 1005 Ames Bldg.

EXTENSION

NO. DCI/ICS 0936-87

DATE 21 September 1987

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. [redacted] DD/L/OCA Rm. 7B14 Hqs.				
2.				
3.				
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15.				

FORM 1-79 **610** USE PREVIOUS EDITIONS

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DCI/ICS 0936-87
21 September 1987

MEMORANDUM FOR: Director, Office of Congressional Affairs

ATTENTION: [redacted] STAT
Deputy Director for Legislation

FROM: [redacted] STAT
Director, Community Counterintelligence and Security
Countermeasures, Intelligence Community Office

SUBJECT: Status of Legislative Proposals Outlined
in the President's Report

1. Attached is a copy of the OCA status report concerning captioned subject as of 15 April 1987. This report was included in the SIG-I report submitted to the Assistant to the President for National Security Affairs dated 20 June 1987 and captioned "First Annual Report for the President on the President's Report to the Congress on the Nation's Counterintelligence and Security Countermeasures Plans, Programs, and Capabilities."

2. The second biannual report to the President and Congress is due to the Chairman, SIG-I, via the Intelligence Community Staff by 15 October 1987.

3. You are, therefore, requested to provide to this office by 7 October 1987 an updated report on the status of pending legislative initiatives contained in the President's report.

[redacted] STAT

Attachment:
a/s

All portions of this memorandum and
its attachment are Unclassified

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16 April 1987
OCA 87-1545

MEMORANDUM FOR: D/CCISCMS

FROM: [redacted] STAT
Deputy Director for Legislation/OCA

SUBJECT: Status of Legislative Proposals Contained in the President's Report

1. As of April 15, 1987, the status of the legislative proposals contained in "The President's Report to the Congress on the Nation's Counterintelligence and Security Countermeasures Plans, Programs and Capabilities" is as follows.

2. "(E)" before a proposal indicates that it was enacted into law; "(P)" indicates that it is still pending.

Intelligence Authorization Act for FY '87

3. (E) - FBI/CI Authorities - Financial Records. In the Intelligence Authorization Act for Fiscal Year 1987 (Pub.L.No. 99-569), the Federal Bureau of Investigation (FBI) obtained special authority to gain access to the financial records of foreign powers for purposes of a counterintelligence investigation.

4. (E) - FBI/CI Authorities - Telephone & Toll Records. This provision was enacted into law as part of the Electronic Communications Privacy Act of 1986.

5. (E) - FBI/CI Authorities - State & Local Criminal History Record Information. In the FY '87 Act, the FBI also obtained authority to gain access to state and local criminal history record information for purposes of conducting personnel background investigations.

6. (P) - DoD Proprietaries. The Second Session of the 99th Congress did not take action on legislation proposed by the Department of Defense, with the support of the Director of Central Intelligence, to give the heads of the military services authority to create commercial entities to support military intelligence operations. In the course of its review of the FY '88/89 Intelligence Authorization Bill, the Office of Management and Budget (OMB) asked the Agency to consider whether or not it wished to include this proposal in that bill when it was transmitted to the Congress. That question has been posed to the ADCI and is awaiting his decision.

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7. (P) - Special CIA/NSA/DIA Personnel Authorities for Drug & Alcohol Abuse. The Second Session of the 99th Congress took no action on this proposal as contained in the draft FY '87 Intelligence Authorization Act as transmitted to the Congress. The proposal has been included in the draft FY '88/89 bill. The Congress, however, is expected to again to take no action on it.

8. (E) - Registration of Bloc Commercial Entities. This provision was enacted into law as part of Intelligence Authorization Act for Fiscal Year 1987 (Pub.L.No. 99-569).

9. (E) - Broadening Foreign Missions Act to Cover Foreign Government-Controlled Entities. This provision was enacted into law as part of Intelligence Authorization Act for Fiscal Year 1987 (Pub.L.No. 99-569).

10. (E) - Pension Forfeiture for Identities Act Violation. This provision was enacted into law as part of Intelligence Authorization Act for Fiscal Year 1987 (Pub.L.No. 99-569).

Other

11. (P) - Control of Foreign Cryptographic Equipment & Material. An NSA-drafted version of this provision was included in the draft FY '88/89 Intelligence Authorization Bill as sent to OMB for Administration clearance. OMB, however, refused to approve its inclusion in that bill. This decision was based on opposition from the Department of State, other governmental agencies and from OMB itself. The opposition disagreed with the way in which the NSA draft allocated within the Executive Branch powers and duties in this area. In addition, they believed that DoD already possessed sufficient authority to deal with problems in this area. The entire issue is now under review at OMB.

12. (P) - Tort Reform. For the last several years, through both the Carter and Reagan administrations, the Department of Justice, on behalf of the Administration, has proposed legislation to reform the law in this area. The Congress, however, has consistently either rejected it or counteroffered with legislation unacceptable to the Executive. Therefore, rather than continue to press for legislation, the Department recently instructed all federal agencies that they have the authority to indemnify their employees against such suits. This directive is in the process of being implemented throughout the Executive Branch. As a result, the Administration has determined not to press vigorously for legislation at this time.

13. (P) - DoD Polygraph Legislation. The decision on whether to seek permanent, unlimited polygraph authority for DoD employees and if so, how to proceed, is entirely within the discretion of DoD. For this Congress, we understand DoD is seeking such authority but again is likely to be limited to one-year authority with a numerical ceiling on the number of individuals to be polygraphed.

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14. (P) - Nonappealability of Security Determinations. This provision was included in the FY '87 draft Intelligence Authorization Bill as sent to Congress but was rejected during Congressional consideration. OMB has directed that the provision not be included in the draft FY '88/89 bill. The ADCI is determining whether or not to appeal that OMB staff decision to the Director of OMB. Should, in any event, the provision go forward, we expect the Congress will again reject it.

15. (P) - Enhancing Value of Security Questionnaire. The Agency's Office of General Counsel, upon further review, raised a question about this provision and determined that it should be re-reviewed. As of this date, the provision is still under that re-review.

16. (P) - Protection of Technical Data With Space Application. The National Aeronautics and Space Administration (NASA) agreed to include this proposal in their draft FY '88 Authorization Bill to be sent to the Congress.

17. (P) - "Illegals" and Support Agents. This provision was included in the draft FY '88/89 Intelligence Authorization Bill as sent to OMB for review. In the midst of that review process, however, the Justice Department indicated that there was not sufficient agreement within the Department as to the need for this authority or as to its constitutionality. Therefore, the proposal was withdrawn from the bill, pending further Justice review.

18. (P) - Death Penalty for Espionage. The Department of Justice is taking the lead on a comprehensive review of legislation to reinstitute the death penalty across-the-board. Espionage is one of the offenses included in this effort. In addition, in response to allegations concerning the Moscow Embassy affair, several Members have introduced legislation calling for the death penalty for espionage.

19. If I can be of further assistance, please contact me.

STAT

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